

# MANDATE

S.D.N.Y.-N.Y.C.  
08-cv-0492  
Pauley, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 29<sup>th</sup> day of April, two thousand ten,

Present:

Reena Raggi,  
Peter W. Hall,  
*Circuit Judges.\**

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USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 04/29/2010

Figueiredo Ferraz E Engenharia De Projeto LTDA,

*Plaintiff-Respondent,*

v.

10-478-mv

The Republic of Peru, *et al.*,

*Defendants-Petitioners.*

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Petitioners, through counsel, move, pursuant to 28 U.S.C. § 1292(b), for leave to appeal those portions of an order of the district court that are not immediately appealable under the Foreign Sovereign Immunities Act. Upon due consideration, it is hereby ORDERED that the petition is GRANTED in the interests of judicial economy so as to allow the panel which will consider the merits of the FSIA appeal, Docket No. 09-3925-cv, an opportunity, if it wants to do so, to consider the questions presented in this appeal relating to forum. The merits panel is free to “reconsider[]

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\*The Honorable Rosemary S. Pooler, who was a member of this panel, has removed herself from hearing and consideration of this appeal. The remaining two panel members, who agree on the disposition, decide this appeal pursuant to Local Rule 0.14(b).

SAO-AGC


MANDATE ISSUED ON 04/29/2010

[this] earlier decision to permit appeal from an interlocutory order.” *See Koehler v. Bank of Bermuda Ltd.*, 101 F.3d 863, 867 (2d Cir. 1996).

The Clerk’s Office shall consolidate this appeal with the appeal in Docket No. 09-3925-cv, which is currently pending before this Court.

FOR THE COURT:  
Catherine O’Hagan Wolfe, Clerk

Catherine O’Hagan Wolfe

The seal of the United States Court of Appeals, Second Circuit, is a circular emblem. It features a blue outer ring with the words "UNITED STATES" at the top and "COURT OF APPEALS" at the bottom, separated by two stars. The center of the seal is white with the words "SECOND CIRCUIT" in blue capital letters.

A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

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